Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1109
Tickfold Farm , Marches Road, Kingsfold, West Sussex, RH12 3SE

DESCRIPTION:
Change of use of Buildings B, C and D from agriculture to Light Industrial (Use Class E) and Storage and Distribution (Use Class B8) together with associated works and parking

RELEVANT PLANNING HISTORY:

DC/23/0423	Change of use of Buildings B, C and D from agriculture to Light Industrial (Use Class E) and Storage and Distribution (Use Class B8) together with associated works and parking.	Application Refused on 07.03.2024
DC/18/0618	Prior Approval for a proposed change of use of an agricultural building to flexible commercial use.	Prior Approval Required and PERMITTED on 04.06.2018
DC/18/2592	Demolition of agricultural buildings and erection of 3 business units (class B1/B8) and new track	Application Permitted on 08.05.2019
DC/20/1031	Erection of an agricultural dwelling.	Application Permitted on 30.07.2021
DISC/22/0067	Approval of details reserved by conditions 3, 4 and 5 on application DC/20/1031.	Application Permitted on 15.11.2022

SITE AND SURROUNDS
Tickfold Farm is located on the north side of Marches Road in the village of Kingsfold and to the west of the A24. The main farmhouse and complex of outbuildings can be accessed via two entrances from Marches Road to the east and south. The outbuildings and farm office are for the purposes of storing of the product, farm machinery, straw and corn.

The buildings relating to the current application are located within the main complex of buildings in a mix of commercial and agricultural uses.

The application site itself is outside of the built up area boundary and are therefore considered to be within the countryside for policy assessment. Within the wider site approximately 60 metres away is Tickfold Farmhouse which is a C16th two storey timber framed house located to the east of the site, the building is Grade II listed. The application site is within an Amber zone for the Great Crested Newt however given the nature of the change of use would not warrant consultation.

DETAILED DESCRIPTION
Buildings B, C and D are currently used for processing of smallholding and pet feed from hay which is considered agricultural ancillary and sited towards the south western part of the application site. There would be internal changes proposed as part of the development, with the external changes being roller shutter doors to partly enclose the open buildings B and C and clad walls to match the existing.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 37 - Sustainable Construction
Policy 41 - Parking

Neighbourhood Plan:
Warnham Neighbourhood Development Plan

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
Natural England: Objection:-
The proposed development(s) falls within the Sussex North water supply zone. As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as such:

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Address issues highlighted in the HRA/AA

HDC Environmental Health: Objection further information required
Noise
Given the low background noise levels in this part of Horsham District the proposed change of use from agriculture to mixed commercial storage (Class B8) and light industrial (Class E) has the potential to have a significant adverse impact on residential amenity, in particular those properties located in close proximity the access road to the site.

Given the above the application should therefore be supported by a noise impact assessment, undertaken by a suitably competent acoustic consultant, which quantifies and assesses the impact of

noise on residential amenity and, crucially, provides the LPA with confidence that noise levels are capable of being mitigated through conditions.

A report of the nature has not however been submitted with the proposals – it has therefore not been adequately demonstrated that noise will not give rise to adverse impacts on the amenity of the occupiers of nearby dwellings.

Air Quality
We note that an air quality assessment has not been submitted in support of the application. Horsham District Council, in association with other Local Authorities in Sussex, have prepared guidance for developers to assess the air quality impact of developments and this document is titled "Air quality and emissions mitigation guidance for Sussex (2020)". This guidance should be applied to this development and an assessment of the air quality impacts and any proposed mitigation submitted in support of the application. In accordance with the above-mentioned guidance, a damage cost calculation is also required from all developments classified as 'Major'. Applicants are required to submit a mitigation plan detailing proposed measures to mitigate and/or offset the impacts and providing itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs.

Land Contamination
Given the historic agricultural use of the site, a land use which Environmental Health considers potentially contaminating, the application should be supported by a Phase 1 Preliminary Risk Assessment, undertaken by a suitably competent and qualified environmental consultant.

Proposed Water Supply
From reviewing the water neutrality statement it is not clear if water neutrality requirements are proposed to be met with a rainwater harvesting scheme. If a rainwater harvesting scheme is proposed as part of this application then further information is required in support of the application.

Construction Phase
During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan will be recommended as a condition, once we are happy that the above comments have been addressed.

Summary
Given the above we are of the view that the application is currently insufficiently detailed to be determined.

WSCC Highways: Comment
From inspection of the plans, WSCC and local mapping there appears to be no visibility issue at the point of access onto Marches Road. The geometry and form of access appear wide enough to support anticipated vehicles and has been serving large agricultural vehicles for a number of years. I have also checked the most recently available verified road traffic incident records, which reveals there have been no traffic incidents in the vicinity of the existing point of access within the past 5 years.

The Application Form states that 51 x car parking spaces proposed but no plan showing parking and turning layout has been provided.

Furthermore, the Application Form states that the floor area of the buildings to be changed to light industrial/storage is 1503sqm yet no Transport Statement has been provided. Detail on the anticipated increase in vehicle trip generation and any sustainable transport accessibility of site (for example using public rights of way to Kingfold where there are bus stops for onward travel) has not been provided.

If all buildings were in use for light industrial then the LHA would generally seek a Travel Plan Statement for a floor area over 1500sqm. This would incur monitoring fee of £1,635 to be secured through legal agreement. The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and

agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to proportionate and reflective of the costs incurred.

Whilst a Travel Plan Statement (TPS) would not be required to set modal shift targets it should include a package of measures to promote sustainable/active transport modes for staff to the site. Whilst the LHA appreciate the type of use proposed is likely to attract trips by vehicle and is rural, some staff could travel by other means and measures such as car sharing could also be promoted within the TPS.

Economic Consultant: Support
Economic Development supports this proposal as it will add commercial floorspace and create employment opportunities.

This is particularly needed considering the growing population. If we are to encourage people to live and work within the district, we must support the creation of local employment opportunities of this kind, particularly through the development of employment floorspace.
It is vital that we have sufficient commercial floorspace on offer to support businesses starting up or growing, but also to support our local economy and enable businesses to remain trading within Horsham District's boundaries.

Fire and rescue: comment
Having viewed the plans for the planning application no DC/24/1109 for the change of use of Buildings B, C and D from agriculture to Light Industrial (Use Class E) and Storage and Distribution (Use Class B8) together with associated works and parking, the nearest fire hydrant for the supply of water for firefighting is 450 metres away, 360-metres further than the 90-metre distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document–B (AD-B) Volume 2: B5 section 16 and agreed with West Sussex Fire & Rescue Service.

Although they are existing buildings it is a significant change of use and a considerable distance from a supply of water for firefighting; a fire appliance only carries 7 x 25m hoses that will reach 175m, any fire hydrant further than this distance they will need additional support to be capable of reaching the fire hydrant, which takes up a lot more time and effort and may affect our firefighting capabilities. If no further action is intended, the owner occupier may need to inform their insurance company, as it could affect cover and premiums.

Parish Comments: Objection
"The Parish Council has serious concerns over this planning application and the change of use. The Parish Council stated that the Parish does not need any further industrial units or sites within the parish and spoke about their serious concerns for the increased heavy goods vehicles and increase in site traffic. The Parish Council do not wish to see over commercialising of the parish."

Representations:
None received

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the

Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
Principle of Development:

Policy 26, Countryside Protection, of the HDPF states that all proposals (in the Countryside) must be essential to its countryside location and meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. The policy also notes that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and / or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy 10, Rural Economic Development, of the HDPF confirms that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Policy 10 (1) confirms that the development must be appropriate to its countryside location and must contribute to the diverse and sustainable farming enterprises within the District and moreover, criterion (1a) confirms that such activities should be contained within suitability located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate.

Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings, and should enable the development and diversification of agricultural and other land-based businesses.

There is relevant planning history for the application, where an applications for a change of use from agriculture to light industrial and storage and distribution (DC/23/0423 was) refused due to concern on that the application would have potential to result in additional water abstraction without sufficient mitigation to result in a water neutral development. The Design and Access Statement outlines that the differences between the current application and previous refused application is the Water Neutrality report submitted as part of the current application. As per the previous application, the current application seeks permission for a change of use of the existing agricultural building to a mix of light industrial and storage and distribution. As per the officer's report for the previous application, there are no objections to the proposal in principle, with commercial and storage buildings being considered to contribute to the local economy and would be considered acceptable in light of policy 10 of the HDPF.

It is considered that there is a need for commercial units within the locality, with the proposed development providing a greater offer of such units within the District. It is therefore considered that the proposal is acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place,

using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Policy 34 of the Horsham District Planning Framework, which is the main policy against which works to Listed Buildings are assessed. Development should reinforce the special character of the district's historic environment through appropriate siting, scale, form, and design, and should make a positive contribution to the character and distinctiveness of the area. In addition, development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their setting, features, fabric and materials, and should seek to secure the viable and sustainable use of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

The proposal would result in a modest change of appearance to the existing units, with two roller shutter doors added to the north elevation and some of the openings within the south west and north eastern elevation would close. This would not result in a development incongruous with the wider site. The proposal would not be considered to result in harmful visual impact. Given the distances from the nearby Grade II listed building, the modest nature of the alterations and that the buildings would not result in landscape harm, the proposal would not be considered to result in harm to the historic fabric of the listed building. No objections in regards to policies 25, 32, 33 and 34 of the HDPF.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

Environmental Health have objected to the proposal in light of the potential noise impacts of the proposal given the potential impacts on residential amenity where there are residences in proximity to the access road, air quality concerns, potential for the land to be contaminated, and Water Neutrality statement where they consider the information unclear in regards to water supply. Overall, Environmental Health object to the proposal on the basis of insufficient information and the proposal is not considered to have demonstrated that the development would avoid unacceptable harm to the amenity of occupiers and users of the land in this regard.

Whilst the Environmental Health department comments have been considered, the potential noise generated from agricultural activities within the units would have potential to be extensive and it is noted that in the event of a the proposal being approved, conditions would be able to limit the hours of operation within the site to prevent unacceptable impact on nearby residential neighbours in unsociable times. Overall, there are no objections to the proposal in light of policies 32 and 33 of the HDPF subject to the inclusion of relevant conditions.

Highways Impacts:

Policies 40 and 41 of the HDPF state that development should provide safe and adequate access and parking, suitable for all users. The proposed dwellings would be served by the existing access point.

The site already benefits from hardstanding and the access from Marches road would not be altered as part of the proposal. Having consulted WSCC Highways with regards to the proposal, they suggest that access would be acceptable but there are other concerns in regards to the application. This includes the suggestion that the application would include 51 parking spaces, although these have not been demonstrated and that the change of use may increase in vehicle movements that might require a travel plan that has not been provided as part of this application. Whilst these comments are a relevant consideration to the proposal, the wider application site is of a scale that has potential for an extensive amount of parking and the details of this could be secured by condition. In regards to the concern over

vehicular movements, it is considered that agricultural units have potential to generate a great number of vehicular trips and the change of use proposed would be able to be restricted in regards to hours of operation through condition such that the increase in vehicular trips would not be seen as a significant increase over and above what would be currently possible within the application site.

It is considered on balance that subject to the inclusion of relevant conditions, the proposals would be in accordance with policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

A Water Neutrality Statement (WNS) has been submitted as part of the application by Aegaea which demonstrates an existing baseline from a toilet block within the wider application site. The toilet block consists of three blocks of toilets with associated basins, and access to showers. The WNS uses the Breeam calculator to calculate an existing usage per person per day based on measured flow rates, which the WNS then multiplies by the number of staff within the 3x associated B1/B8 units: (44.83 litres x 16.5 staff) = 739.695 litres of water use per day from the 3x existing units.

There is no reason to dispute the flow surveys of the existing fixtures and fittings within the toilet block, or the resultant per person water consumption methodology in the Breeam calculator. It is though unclear whether the 16.5 staff identified as being on the site each and every day is reliable. The WNS sets out that Unit 1 is occupied as a gymnasium with 2 part-time instructors and 12 other persons per day on average. Unit 2 is a campervan fit-out business with 2 full-time employees, whilst Unit 3 is a computer repair business with 1.5 full-time employees.

The Habitats Regulations set a high bar when considering mitigation strategies, requiring certainty that the mitigation will be effective in practice and be appropriately secured. Having regard to this high bar requirement, there are two issues with the proposed strategy in this instance. First, the use of Unit 1 as a gymnasium is not in accordance with the consented B1/B8 use for this building. Whilst both a gymnasium and the former B1 Use Class now fall within Use Class E (specifically- a gymnasium falls under Class E(d); the former B1 Use Class now falls under Class E(g)), Condition 6 on the planning permission for the unit (DC/18/2592) expressly limits the use of the unit to Use Classes B1 and/or B8 and ‘for no other purposes whatsoever’. On this basis, the lawful use of Unit 1 is considered to be Class E(g) and or Class B8, not a gymnasium.

Accordingly, water consumption from unlawful development (ie the gymnasium in Unit 1) cannot be used as a baseline usage figure. Further, it is unclear from the WNS whether the ‘+12 persons per day (average)’ referred to in Appendix 1A is the equivalent number of full-time employees, or simply users of the gym. If users of the gym only, then it is not credible to assume they would use the toilet facilities to the same degree and frequency as full-time employees.

Based on the data within the WNS, if it is the case that there are fewer than 16.5 full-time employees within Units 1-3 then the strategy does not equate to a water neutral position. Given there is doubt over 13 of the 16.5 employees referred to in Appendix 1A of the WNS, it is uncertainty that water neutrality will be achieved.

The second concern is that the toilet blocks fall outside of the red line boundary on the application plans. This means the mitigation within the toilet block cannot be secured by condition and must

instead be secured by way of S106 agreement. A request to alter the location plan was made during the course of the application to enable the mitigation to be secured by condition, however no amendment was forthcoming. As such, the mitigation measures proposed would not be able to be conditioned as part of the application. No s106 agreement has been provided in the alternative. The mitigation measures are not therefore secured.

In the absence of an effective and secured strategy setting out how the applicant intends to demonstrate water neutrality, the Local Planning Authority is not currently in a position to ascertain that the proposal would not result in an adverse impact on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

With the above in mind, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraph 186.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Application form has indicates that the proposal would de minimus, not resulting in an increase in floor space above 25sqm. This is accepted and no Biodiversity net gain increase is required in this instance.

Conclusions:

It is recognised that the proposed development, would potentially contribute to the diversity and vitality of the rural economy with associated public benefit.

Whilst the proposals would be in accordance to policy 10, 25, 26, 32, 33, 34, 40, 41 of the HDPF, this is considered a neutral consideration in the planning balance. Furthermore, in respect of the water strategy proposed, there is significant doubt whether there would be no water used as a result of the proposal. It is therefore considered that insufficient information has been provided to demonstrate with certainty that there would be no facilities required that would use water, how much it would use, or the measures included to achieve water neutrality.

There are no other material considerations that would outweigh this harm, with the benefits of the proposal not considered to outweigh the harm identified. For these reasons, the proposed development is considered unacceptable.

Recommendation: Application Refused

Reason(s) for Refusal:

1. Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1109
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		117/2024/1	19.07.2024
Elevation & Floor plan	Building D, as existing	117/2024/2	19.07.2024
Elevation & Floor plan	Buildings A, B, and C, as existing	117/2024/3	19.07.2024
Elevation & Floor plan	Building D, as proposed	117/2024/4	19.07.2024
Elevation & Floor plan	Buildings A, B, and C, as proposed	117/2024/5	26.07.2024
Supporting Statement	Water Neutrality	NONE	19.07.2024
Supporting Statement	Planning and Heritage	NONE	26.07.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 13/09/2024

Authorising Officer sign/initial Adrian Smith Date: 20/09/2024